



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**

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December 5, 2005

Magaly M. Fernandez
155 West Main Street
Apartment 1
Marlboro, MA 01752

Re: Notice of Formal Hearing for Slamming Complaint
Docket No.: D.T.E. 05-SL-12
Telephone Number(s) at Issue: 508-485-4590

Dear Ms. Fernandez:

Under M.G.L. c. 93, § 110(i), (j), the Department of Telecommunications and Energy ("Department") is required to hold a hearing to determine whether your original telecommunications provider was switched without proper authorization. As we discussed this afternoon, the formal hearing is scheduled for **MONDAY, DECEMBER 19, 2005 at 2:00 p.m.**, and is to be held at the Department's offices at One South Station, Boston, Massachusetts. Please be advised that the Department's decision will be reached based on the information and evidence presented at the hearing. You must, therefore, come prepared with any papers or documents you wish to be considered and you must state your entire original complaint clearly for consideration by the Department. If any party fails to appear at the hearing, the Department may issue a decision against the party failing to appear and/or dismiss the case.

You will have the opportunity to question any witnesses the Company presents and the Company's attorney will have the right to question you. A court stenographer will record everything that is said at the hearing and a transcript will be prepared and kept on file at the Department. The Company will be represented by legal counsel. You also have the right to be represented by an attorney, if you so desire, but you must make arrangements for such representation prior to the hearing.

If you dispute the Company's evidence, it is imperative that you attend the hearing. If you decide to resolve the matter with the Company prior to the hearing or to withdraw your complaint for any reason, please submit a letter to that effect to the Department. It is important to note that while companies found to have conducted an unauthorized switch of a consumer's telecommunications carrier may be fined in accordance with the provisions of G.L. c. 93, § 112(c), this will only occur after a determination that an unauthorized switch has occurred.

Also, consistent with 47 C.F.R. §§ 64.1140, 64.1160, if the Department determines after hearing that a slam has occurred, and you have not paid the bill of the slamming carrier, you will be absolved from paying any carrier for service for up to 30 days after being slammed. You will be required to pay any charges for service beyond 30 days to the authorized carrier, but at that carrier's rates, not the slamming carrier's rates. 47 C.F.R. § 64.1140. In addition, if the Department determines after hearing that a slam has occurred and you have paid the bill of the slamming carrier, the slamming carrier must pay the authorized carrier 150 percent of the charges received from you. Out of this amount, the authorized carrier will reimburse you 50 percent of the charges you paid. 47 C.F.R. § 64.1170.

If you have any questions regarding this case, please contact Andrea Saia at (617) 305-3612.

Sincerely,

/s/

Mary L. Cottrell
Department Secretary

cc: Clear World Communications Corporation